



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for unpaid Rent and/or utilities pursuant to section 46;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement. I agreed to assist the parties in settling their dispute in accordance with section 63 of the *Act*.

### Analysis

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to withdraw the 10 day Notice to End Tenancy dated May 4, 2016.
2. The tenant and landlord agree that effective July 1, 2016, the amount of the rent payable by the tenant under the tenancy agreement is amended to \$800.00 inclusive of utilities.
3. The tenant agrees to pay to the landlord the amount of \$220.80 on or before Wednesday, June 15, 2016 as full and final settlement of all utilities arrears.

4. The tenant and landlord agreed to split the cost of the filing fee in half for this application. Accordingly, the tenant is permitted to deduct \$50.00 from the \$220.80 payable to the landlord as per above.
5. The landlord is granted a **Monetary Order** for **\$170.80** enforceable only in the event that the tenant does not make the payment as stipulated in the above terms. The enforceable portion of this order will be reduced in accordance with any payments made to the landlord.

Each party confirmed that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute. **This Decision and Settlement Agreement is final and binding on both parties.**

#### Conclusion

Pursuant to section 67 of the *Act* and subject to the conditions described above, I grant the landlord a Monetary Order in the amount of **\$170.80**. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 10, 2016

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Residential Tenancy Branch